



*United States Attorney  
Southern District of New York*

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**NEW JERSEY MAN CONVICTED OF USING THE INTERNET TO  
ENTICE MINOR GIRL TO ENGAGE IN SEXUAL ACTIVITY AND OF  
TRAVELING TO NEW YORK CITY TO ENGAGE IN SEXUAL ACTS  
WITH MINOR GIRL**

DAVID N. KELLEY, the United States Attorney for the Southern District of New York, and PASQUALE D'AMURO, the Assistant Director in Charge of the New York Office of the FBI, announced the conviction today in Manhattan federal court of MATTHEW ADAM BRAND, a/k/a "Tempoteech," for using the internet and telephone in an attempt to entice a minor to engage in sexual activity and traveling from New Jersey to New York to engage in sexual acts with a minor. The defendant was convicted following a two-week jury trial before United States District Judge PETER K. LEISURE on both counts contained in the Indictment.

The evidence at trial established that BRAND, a voice and drama teacher who used the screen name "Tempoteech," communicated with a special agent of the FBI acting in an undercover capacity and posing as a thirteen-year-old girl.

According to the evidence at trial, from on or about January 23, 2004, up to and including February 12, 2004, during

the course of their internet conversations, BRAND emailed the undercover agent a photo of himself, offered to give the agent free singing lessons, and asked the agent if she would like to act or model. The agent informed BRAND that the person with whom he was communicating was "only 13," and sent BRAND a photograph of a young teenage girl that was purportedly a photograph of the minor girl with whom he believed he was communicating. BRAND said that the purported minor girl could model for a calendar he was putting together and pose with "puppets and giant toys." BRAND asked the purported minor girl if she had a boyfriend and asked whether the girl wanted to date an older man. BRAND stated that he "would love to have [the girl] as a girlfriend," and asked the girl to be his valentine. BRAND indicated that he would engage in certain sexual activity with the purported girl, including, but not limited to, kissing, "touch and play," "fool around and explore," and "do it all." BRAND stated that they could go to his place in "jersey," that he would show the girl "how to be a woman," and proceeded to describe additional sexual activity that he wanted to engage in with the girl. BRAND also stated that he loved the girl and the purported girl informed him that she could only talk to and see him at certain times because of her mother, and that she was a virgin.

The proof at trial showed that, on or about February 11 and 12, 2004, BRAND had several recorded telephone calls with a

person posing as the same thirteen-year-old girl he had communicated with over the internet, and BRAND arranged to meet the minor girl at the Port Authority Bus Terminal in Manhattan, New York on February 12th. BRAND also stated that he would travel from New Jersey to New York and take the minor girl back to New Jersey with him. During at least one of these telephone conversations, BRAND discussed, among other things, certain sexual acts that he and the minor girl would engage in after they met. Furthermore, BRAND said that the girl would not get pregnant because he intended to use a condom.

The evidence at trial also showed that, on or about February 12, 2004, at the arranged time and meeting place at the Port Authority, BRAND was arrested by FBI agents and in a post-arrest statement, after being advised of and voluntarily waiving his Miranda rights, BRAND stated, in sum and substance, among other things, that he had traveled from New Jersey to New York to meet a person he believed to be the thirteen-year-old minor girl with whom he had previously spoken to and communicated with over the internet. Furthermore, recovered from BRAND's person and his car, among other things, was a sign bearing the name of the minor girl and condoms. Subsequently, approximately 100 images of child pornography and child erotica were recovered from a computer seized from BRAND's residence.

The evidence at trial also showed that BRAND had communicated via the internet with at least three other people that he believed were 13-year-old girls.

BRAND, 37, resided in Jackson, New Jersey. Under the recently enacted PROTECT Act of 2003, BRAND faces a mandatory minimum of five years' imprisonment and a maximum of 30 years' imprisonment on the enticement count. BRAND faces a maximum of 30 years' imprisonment on the traveling count. In addition each count carries a maximum fine of \$250,000 or twice the gross gain or loss resulting from the crime. Judge LEISURE set a sentencing date of May 4, 2005 at 10:30 a.m.

Mr. KELLEY praised the efforts of the Federal Bureau of Investigation's Crimes Against Children Squad in this case.

Mr. KELLEY stated, "The conviction of Mr. Brand reflects the strong commitment of this Office, the FBI, and our law enforcement partners to protecting our children from those who use the internet to try to abuse and exploit them. Let this case and the dozens of others that this office prosecutes each year serve as a warning to those individuals who troll the internet looking for young children for sexual purposes. Let it also serve as a warning to those individuals counting on the anonymity of the internet to cloak criminal activity. If you break the law, you cannot hide in cyberspace. The Department of Justice, the United States Attorney's Office for the Southern

District of New York, and the FBI will remain vigilant and will continue to use every available resource to identify, investigate and prosecute the sexual exploitation of children over the internet to the fullest extent of the law."

Assistant United States Attorneys BRIAN R. MICHAEL and ALEXANDER H. SOUTHWELL are in charge of the prosecution.

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